

<p>SUPREME COURT, STATE OF COLORADO</p> <p>2 East 14th Avenue Denver, Colorado 80203</p>	
<p>ORIGINAL PROCEEDING PURSUANT TO C.R.S. § 1-40-107(2)</p> <p>Petitioners: Jason Bertolacci and Owen Alexander Clough</p> <p>v.</p> <p>Colorado Ballot Title Setting Board: Theresa Conley, Christy Chase, and Jennifer Sullivan</p>	
<p>Attorneys for Petitioner:</p> <p>Sarah M. Mercer, #39367 David B. Meschke, #47728 Rosa L. Baum, #56652 BROWNSTEIN HYATT FARBER SCHRECK LLP 675 15th St, Suite 2900 Denver, CO 80202 Tel: 303.223.1100 Fax: 303.223.1111 smercerc@bhfs.com; dmeschke@bhfs.com; and rbaum@bhfs.com</p>	<p>▲ COURT USE ONLY ▲</p> <p>Case Number:</p>
<p style="text-align: center;">PETITION FOR REVIEW OF FINAL ACTION OF THE BALLOT TITLE SETTING BOARD CONCERNING PROPOSED INITIATIVE 2023-2024 #210</p>	

Pursuant to section 1-40-107(2), C.R.S., Jason Bertolacci and Owen Alexander Clough (collectively “Petitioners”), through undersigned counsel, respectfully petition this Court to review the decision by the Colorado Ballot Title Setting Board (“Title Board”) that

it lacks jurisdiction to set title for Proposed Initiative 2023-2024 #210 (“Initiative #210”).

I. ACTION OF THE TITLE BOARD

Petitioners, who are the proponents of and designated representatives for Initiative #210, filed the measure with the Title Board on March 8, 2024. The Title Board conducted its initial public hearing for Initiative #210 on March 20, 2024, where the Title Board, by a vote of 2-1, denied title setting on the grounds that Initiative #210 contains multiple subjects, and thus the Board lacks jurisdiction to set title. Title Board member Christy Chase, Deputy Director of the Office of Legislative Legal Services, voted in favor of setting title.

Petitioners subsequently filed a timely Motion for Rehearing on March 27, 2023, challenging the Title Board’s determination that it lacked jurisdiction to set a title because a majority of the board found that the measure contains several separate and distinct subjects in violation of the single-subject requirement in Article V, Section 1(5.5) of the Colorado Constitution and C.R.S. § 1-40-106.5(1)(e). Specifically, Petitioners argued that Initiative #210’s provisions all advance the

central purpose to expand voter choice to elect candidates for certain federal and state offices who better represent the will of a majority of the voters.

Title Board considered the motion at a rehearing on April 3, 2024, and denied the motion in its entirety. Once again the vote was 2-1, with Ms. Chase in favor of setting title. However, the two board members who voted to deny title setting disagreed as to which aspect of Initiative #210 violated the single-subject requirement. Petitioners now seek review of Title Board's actions under C.R.S. § 1-40-107(2).

II. ISSUE PRESENTED FOR REVIEW

- A. Whether Title Board erred by failing to set a title for Initiative #210 because the measure's provisions are necessarily or properly connected and all advance a single subject.

III. SUPPORTING DOCUMENTATION

As required by section 1-40-107(2), attached are certified copies of:

(1) the final copy of Initiative #210 as submitted to Title Board;

(2) the determinations and final action by Title Board; (3) the Motion for Rehearing filed by Petitioners; (4) written public comment; and (5) the initial fiscal summary.

IV. RELIEF REQUESTED

Petitioner respectfully requests that the Court reverse the Title Board's denial of Petitioners' Motion for Rehearing, hold that the Title Board has jurisdiction to set title for Initiative #210 because the measure contains a single subject, and remand Initiative #210 to the Title Board to set a title.

Respectfully submitted on April 10, 2024.

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CERTIFICATE OF SERVICE

I hereby certify that on April 10, 2024, I electronically filed a true and correct copy of the foregoing **PETITION FOR REVIEW OF FINAL ACTION OF THE BALLOT TITLE SETTING BOARD CONCERNING PROPOSED INITIATIVE 2023-2024 #210** with the clerk of Court via the Colorado Courts E-Filing system which will send notification of such filing and service upon the following:

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